

## Compton, Mark

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**From:** Socha, Julianne  
**Sent:** Thursday, June 28, 2018 3:30 PM  
**To:** Compton, Mark; Bauer, Candice  
**Cc:** Pierard, Kevin  
**Subject:** RE: Recap of WI CAFO transfer discussion today.

**Categories:** Record Saved - Shared, Record Saved

A few edits in red incorporated into your email below.

*julianne*

Julianne Socha  
Section 2 | NPDES Programs Branch | Water Division | Region 5 | U.S. EPA  
77 W. Jackson Blvd. WN-15J | Chicago IL 60604  
312-886-4436 | socha.julianne@epa.gov

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**From:** Compton, Mark  
**Sent:** Thursday, June 28, 2018 2:04 PM  
**To:** Bauer, Candice <bauer.candice@epa.gov>  
**Cc:** Pierard, Kevin <pierard.kevin@epa.gov>; Socha, Julianne <socha.julianne@epa.gov>  
**Subject:** RE: Recap of WI CAFO transfer discussion today.

Hello,

As requested.

Thank you,

Mark

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Greetings,

Attached are a series of documents to assist with the transfer of the WPDES CAFO program from WDNR to DATCP:

- EPA NPDES state program guidance documents are attached. Although these documents are from 1986, they are still the current guidance used by EPA's Office of Water and Office of Enforcement and Compliance Assurance in review of state programs:
  - NPDES State Program Guidance for review of State program applications\_Volume 1\_833B86102A\_1986.pdf.
  - NPDES State Program Guidance for review of State program applications\_Volume 2\_833B86102B\_1986.pdf.
- A copy of the EPA webpage for state authorization is also attached. This identifies the information to include in any request from Wisconsin to transfer a portion of the program from WDNR to DATCP.
  - EPA webpage NPDES State Program Information\_2018 06 25.pdf.
- The electronic version of the CAFO crosswalk ~~you received in hardcopy is attached~~, as well as a checklist designed to guide technical standards development.
  - WI DATCP CAFO Rule Review Crosswalk (2012\_2014 09 23 v)

- WI DATCP Technical Standards review (2012 02\_CAFO Permit Manual)
- Finally, below is a link to EPA's website for information regarding the Memorandum of Agreement:
  - <https://www.epa.gov/compliance/memorandum-agreements-between-epa-and-states-authorized-implement-national-pollutant>. Scroll down to find link to final review documents including the checklist and model MOA.

We are currently searching for more documents to assist with the transfer. If you should have any question, please contact myself or **my staff [provide staff contact info]** at your earliest convenience.

Thank you,

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**From:** Bauer, Candice  
**Sent:** Wednesday, June 27, 2018 1:48 PM  
**To:** Socha, Julianne <[socha.julianne@epa.gov](mailto:socha.julianne@epa.gov)>; Compton, Mark <[compton.mark@epa.gov](mailto:compton.mark@epa.gov)>  
**Subject:** RE: Recap of WI CAFO transfer discussion today.

Thanks Julianne for all your materials and thoughts!!!

Mark- Please take the lead in compiling all the various pieces into one email that Kevin or I can send to WDNR/DATCP and share it with us and Julianne...

Thanks all.  
Candice

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Candice R. Bauer, Ph.D.  
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**From:** Socha, Julianne  
**Sent:** Tuesday, June 26, 2018 8:05 AM  
**To:** Compton, Mark <[compton.mark@epa.gov](mailto:compton.mark@epa.gov)>; Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>  
**Subject:** RE: Recap of WI CAFO transfer discussion today.

As you work with DATCP to develop their NPDES CAFO program I recommend you involve WECAB. At this point in time I recommend that WECAB provide any appropriate guidance DATCP should consider in the development of its enforcement and compliance program. Sections 308 and 309 of the CWA and Part 123 should still direct state development of necessary statutes and rules but guidance documents may help explain EPA expectations and will definitely help direct the level of information that should be included in the program description, AG certification and supporting documents included in any state submittal. Possible enforcement and compliance documents could include EPA's compliance inspection manual, NPDES CMS, CWA Penalty Policy, SNC policy (not sure if this policy has been finalized but if not the interim policy should be in force). I also recommend that a WECAB assignee work with Mark on the review of DATCPs program.

*julianne*

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**From:** Socha, Julianne  
**Sent:** Tuesday, June 26, 2018 7:40 AM  
**To:** Compton, Mark <[compton.mark@epa.gov](mailto:compton.mark@epa.gov)>  
**Cc:** Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>  
**Subject:** RE: Recap of WI CAFO transfer discussion today.

CAFO rule and CAFO technical standards crosswalk are attached. The technical standards checklist is from EPA's CAFO permit writers' manual and this version of the crosswalk is the version created by HQ. My version of these crosswalks, and likely the ones I previously shared with Candice in hard copy, are slightly different – I have edited them over the years based on what has worked best for my review of Region 5 state rules. I recommend sharing the versions that were created by HQ and/or publicly available. Both of the attached could be shared with DATCP without ORC assigned attorney review.

*julianne*

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**From:** Socha, Julianne  
**Sent:** Monday, June 25, 2018 4:53 PM  
**To:** Compton, Mark <[compton.mark@epa.gov](mailto:compton.mark@epa.gov)>  
**Cc:** Bauer, Candice <[bauer.candice@epa.gov](mailto:bauer.candice@epa.gov)>  
**Subject:** RE: Recap of WI CAFO transfer discussion today.

Link to EPA's website for MOA: <https://www.epa.gov/compliance/memorandum-agreements-between-epa-and-states-authorized-implement-national-pollutant>

Scroll down to find link to final review documents including the checklist and model MOA.

The NPDES state program guidance documents are attached. Although these documents are from 1986, they are still the current guidance used by OW and OECA in review of state programs.

A copy of the EPA webpage for state authorization is also attached. This identifies the information to include in any request from Wisconsin to transfer a portion of the program from WDNR to DATCP.

Still to provide: LAR crosswalk and CAFO crosswalk. I am looking to see if these are available on EPA's website. If not, I recommend you have the attorney assigned to this matter review the crosswalks to assure that they are complete.

Let me know if I owe you anything else.

*julianne*

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**From:** Bauer, Candice  
**Sent:** Friday, June 22, 2018 2:37 PM  
**To:** Socha, Julianne <[socha.julianne@epa.gov](mailto:socha.julianne@epa.gov)>  
**Cc:** Compton, Mark <[compton.mark@epa.gov](mailto:compton.mark@epa.gov)>; Pierard, Kevin <[pierard.kevin@epa.gov](mailto:pierard.kevin@epa.gov)>  
**Subject:** Recap of WI CAFO transfer discussion today.

Julianne- Can you please forward the electronic files for the documents you provided to us (checklists, MOA template, guidance docs, etc.) so that we can share them with WDNR? Please include any appropriate disclaimers you think are necessary. WDNR is on an accelerated timeline to get statutory changes to their legislature (by December) and is interested in providing us the completed legal authority checklist in the next couple of weeks (they have started their own version already but would work through ours as well) and then meet 4-6 weeks after that with the EPA team for initial feedback on their proposal to transfer NPDES authority for CAFO permits and enforcement to DATCP (not stormwater). They are also interested in us point to them specifically where we outline the section on funding and staffing plan that must be submitted to us as part of the submission so that they can be thinking about this part of the process for internal state discussions. Also, they were interested if we could point them to good examples of other state submissions and our approval.

Your help to get this to Mark and I would be great. Likely-although we are still discussing this- we will have Mark lead on this first part with close coordination with you as the timeline for this and the Ohio transfer are overlapping. But, we will certainly chat more on this!

Candice

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Candice R. Bauer, Ph.D.

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